

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

	:	
PAUL LINDEMAN, Administrator	:	CASE NO.
Of the Estate of Jeffrey Brown, Deceased	:	
235 W. First St., Box 28	:	
Fort Jennings, Ohio 45844	:	
	:	
Plaintiffs	:	JUDGE
vs.	:	
ACPI WOOD PRODUCTS	:	
10501 10th Street	:	
Chaska, Minnesota 55318	:	
	:	
DAVID GLEN ANDERSON	:	
1005 Arthur St.	:	
Rochester, Indiana 46975,	:	
	:	
Defendants.	:	

OVERVIEW

On April 4, 2021, at approximately 9:45 p.m., good Samaritan Jeffrey Brown, deceased, was assisting a stranger in repairing his disabled minivan parked on the shoulder of Eastbound U.S. 30.

Defendant David Anderson, while traveling eastbound down US 30, crossed over into the shoulder and violently crashed into Jeffrey Brown, causing catastrophic injuries resulting in Mr. Brown's death.

The weather was clear and there were no visual obstructions. Mr. Anderson initially saw the vehicles in the shoulder, and the roadway was free of defects. The only explanation for the crash is distraction and/or fatigue by David Glen Anderson.

At all times relevant to this lawsuit, Anderson was working in the course and scope of his employment with ACPI Wood Products.

COMPLAINT
(JURY DEMAND ENDORSED HEREON)

PARTIES

Plaintiff, Paul Lindeman, was appointed Executor of the Estate of Jeffrey L. Brown, by the Probate Division in the Court of Common Pleas of Van Wert County, Ohio, Case No. 20211075. Plaintiffs bring this action as a wrongful-death claim on behalf of the survivors and beneficiaries of Jeffrey L. Brown, pursuant to Ohio Revised Code § 2125. Letters of Authority are attached hereto as Exhibit "A." Jeffrey L. Brown is survived by his daughter, Hope Brown, two parents, Jeffrey Brown and Darlene Jones Sterling, and numerous additional familial and extended relatives.

Defendant ACPI Wood Products, LLC is a foreign liability company doing business in the State of Ohio.

Defendant David Glen Anderson is a citizen of the State of Indiana, residing in Fulton County, Indiana.

JURIDICTION & VENUE

Plaintiffs incorporate by reference the allegations as contained in each preceding paragraph as if set forth at length.

This Court has subject-matter jurisdiction, under 28 UCS 1332(a) as the parties are all citizens of different states and the amount in controversy well exceeds \$75,000.00

The Plaintiff is a resident of Ohio, the Defendants' are residents of Minnesota and Indiana, respectively.

Venue is proper under 28 USC 1391(b)(2) given that the crash in question occurred in the Northern District of Ohio.

FIRST CAUSE OF ACTION

Negligence of David Anderson

Anderson had the duty to drive his truck tractor in a safe and reasonable manner, including but not limited to keeping his vehicle on the roadway and within his lane of travel.

Anderson failed to do so on the day of the crash as a result of fatigue and/or distraction.

Anderson's negligence was the direct and proximate result of Jeffrey Brown's death.

Anderson's actions demonstrate a conscious disregard for the rights and safety of Jeffrey Brown and the rest of the motoring public, acting with reckless indifference to the consequences to others despite being aware of his conduct and knowing there was a great probability of causing substantial harm. Accordingly, Plaintiffs demand punitive damages against Defendant Anderson.

Plaintiffs' Decedent Jeffrey L. Brown is survived by his adult child Hope Brown and mother Darlene Sterling.

As a result of the wrongful death of Jeffrey Brown, the survivors of Plaintiffs' Decedent, and the other surviving next of kin suffered damages, which include but are not limited to loss of services of Plaintiffs' Decedent; loss of society of Plaintiffs' Decedent, including loss of companionship, care, assistance, attention, protection, financial assistance, advice, counsel, instruction, training, and education; mental anguish caused by wrongful death of Plaintiffs' Decedent; funeral and burial expenses for Decedent in an amount to be determined at trial, and also consortium. The foregoing entitles decedent's survivors to compensation in an amount reasonable, proper and commensurate with their losses herein.

Plaintiffs are also entitled to survivorship damages associated with the Decedent's conscious pain and suffering.

SECOND CAUSE OF ACTION

Negligence of ACPI Wood Products, LLC

At all relevant times, David Anderson was working in the course and scope of his employment with ACPI Wood Products, LLC. At the time of the crash, Anderson was operating under ACPI Wood Products' DOT number, subject to ACPI Wood Products' control, and was acting in furtherance of ACPI Wood Products' business.

As such, ACPI Wood Products' is responsible for Anderson's actions under the doctrine of *Respondeat Superior*.

As a result of the wrongful death of Jeffrey Brown, the survivors of Plaintiffs' Decedent, and the other surviving next of kin suffered damages, which include but are not limited to loss of services of Plaintiffs' Decedent; loss of society of Plaintiffs' Decedent, including loss of

companionship, care, assistance, attention, protection, financial assistance, advice, counsel, instruction, training, and education; mental anguish caused by wrongful death of Plaintiffs' Decedent; funeral and burial expenses for Decedent in an amount to be determined at trial, and also consortium. The foregoing entitles decedent's survivors to compensation in an amount reasonable, proper and commensurate with their losses herein.

Plaintiffs are also entitled to survivorship damages associated with the Decedent's conscious pain and suffering.

WHEREFORE, Plaintiffs request a jury trial and request judgment against Defendants, ACPI Wood Products, LLC and David Glen Anderson, and demand money and damages to which they are entitled against the Defendant in an amount in excess of \$75,000.00 plus interest, costs and attorney's fees, and all other relief to which they are entitled in law and equity.

Respectfully submitted,

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BROCK, LLC
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By: /s/ Michael J. Tremoulis

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JURY DEMAND

Plaintiffs demands a jury composed of the maximum number of jurors permitted by law.

HUFFMAN, KELLEY &
BROCK, LLC

By: /s/ Michael J. Tremoulis
Michael J. Tremoulis – 0097155

SERVICE ON DEFENDANTS

Defendant ACPI Wood Products, LLC is a foreign liability company doing business in the State of Ohio and may be served through its registered agent: Corporate Creations Network, Inc., 119 E. Court Street, Cincinnati, Ohio 45202. **Service is hereby requested at this time.**

Defendant David Glen Anderson is a citizen of the State of Indiana, residing in Fulton County, Indiana. Mr. Anderson may be served at his last known residence at 1005 Arthur St., Rochester, Indiana 46975. **Service is hereby requested at this time.**

HUFFMAN, KELLEY &
BROCK, LLC

By: /s/ Michael J. Tremoulis
Michael J. Tremoulis – 0097155